

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROP SUBCOMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN ROYAL JOHNSON**, on January 15, 1999 at 8:00 A.M., in Room 104 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Royal Johnson, Chairman (R)  
Sen. Daryl Toews, Vice Chairman (R)  
Rep. Peggy Bergsagel (R)  
Rep. Rosalie (Rosie) Buzzas (D)  
Sen. Greg Jergeson (D)  
Sen. Ken Miller (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Amy Carlson, OBPP  
Marty Eddleman, Committee Secretary  
Bob Tallerico, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Office of Public Instruction,  
Distribution Program,  
1/15/1999

Called to order by Chairman Royal Johnson at 8:00 a.m.  
{Tape : 1; Side : A; Approx. Time Counter : 0.1}

**Questions From Committee Members & Comments:**

{Tape : 1; Side : A; Approx. Time Counter : 2 - 23}

Motion made by **Senator Toews**

{Tape : 1; Side : B; Approx. Time Counter : 0.1}

Discussion

**Questions From Committee Members & Comments:**

*{Tape : 1; Side : B; Approx. Time Counter : 2 - 21}*

**Motion:** SEN. TOEWS WITHDREW PREVIOUS MOTION.

*{Tape : 1; Side : B; Approx. Time Counter : 21.3}*

**Motion/Vote:** REP. BERGSAGEL moved THE BASE BUDGET BE ACCEPTED.

Motion carried 6-0.

*{Tape : 1; Side : B; Approx. Time Counter : 22.5}*

**Motion:** SEN. JERGESON moved THE GLOBAL STATEWIDE PRESENT LAW ADJUSTMENT BE ACCEPTED.

*{Tape : 1; Side : B; Approx. Time Counter : 22.9}*

Discussion

*{Tape : 1; Side : B; Approx. Time Counter : 23.8 - 25}*

Motion fails 3-3

Global Statewide Present Law Adjustments was left open.

*{Tape : 1; Side : B; Approx. Time Counter : 25}*

Discussion on DP-2, Contract Services, on page E-5.

*{Tape : 1; Side : B; Approx. Time Counter : 25.4 - 27.3}*

**Motion:** REP. BERGSAGEL made a motion THAT DP-2, page E-5, LESS \$18,720 BE ACCEPTED.

*{Tape : 1; Side : B; Approx. Time Counter : 27.6}*

Discussion

*{Tape : 1; Side : B; Approx. Time Counter : 29 - Tape : 2; Side : A; Approx. Time Counter : 3}*

**Substitute Motion/Vote:** REP. BUZZAS made a substitute motion DP-2, CONTRACTED SERVICES, BE APPROVED AT PURPOSED LEVEL ON PAGE E-5. Substitute motion failed 3-3 with Bergsagel, Miller, and Toews voting no.

*{Tape : 2; Side : A; Approx. Time Counter : 3.4}*

Original motion voted on. Passes 4-2, Buzzas, Jorgeson voting no.

*{Tape : 2; Side : A; Approx. Time Counter : 4}*

**Motion/Vote:** SEN. TOEWS moved DP-3 BE APPROVED. Motion carried 5-1 with Bergsagel voting no.

*{Tape : 2; Side : A; Approx. Time Counter : 5.8}*

**Motion/Vote:** SEN. TOEWS MOVED THAT THE COMMITTEE APPROVE ITEM DP-5, GED WORKLOAD INCREASE, ON PAGE E-5. Motion carried 6-0.  
{Tape : 2; Side : A; Approx. Time Counter : 6.2}

**Motion/Vote:** SEN. JERGESON MOVED FOR APPROVAL OF ITEM DP-6 ,BUDGETING/ACCOUNTING WORKSHOPS, ON PAGE E-5. Motion carried 5-1 with Bergsagel voting no.  
{Tape : 2; Side : A; Approx. Time Counter : 6.6}

**Motion/Vote:** SEN. JERGESON moved FOR APPROVAL OF ITEM DP-7, INDIRECT COST OF BASE ADJUSTMENTS, ON PAGE E-5. Motion carried 5-1 with Miller voting no.  
{Tape : 2; Side : A; Approx. Time Counter : 6.9}

**Motion:** REP. BUZZAS moved THE COMMITTEE APPROVED ITEM DP-11, INDIRECT COST OF BASE ADJUSTMENTS, ON PAGE E-5.  
{Tape : 2; Side : A; Approx. Time Counter : 7.9}

Discussion

{Tape : 2; Side : A; Approx. Time Counter : 8.1 - 9.5}

**Motion/Vote:** REP. BERGSAGEL moved THAT THIS motion BE AMENDED to be A ONE TIME ONLY MONEY FOR BUYING COMPUTERS. Motion carried 6-0.  
{Tape : 2; Side : A; Approx. Time Counter : 11.9}

**Motion:** SEN. TOEWS moved THAT ITEM DP-12 ON PAGE E-5 BE APPROVED WITH NO FTE ADDED IF THE GRANTS DON'T COME THROUGH, AND THERE MUST BE REPORTS ON SUCCESS.

Discussion

Motion carries 6-0

{Tape : 2; Side : A; Approx. Time Counter : 12.7 - 18.6}

There was no action taken on item DP-8 page E-7.

Discussion on item DP-9 on page E-7

{Tape : 2; Side : A; Approx. Time Counter : 19 - Tape : 2; Side : B; Approx. Time Counter : 16.5}

**Motion/Vote:** Senator Jergeson moved to approve item DP-15 on page E-5  
Motion carried 6-0

**Motion:** SEN. MILLER moved that ITEM DP-9 ON PAGE E-7 be approved with a decrease to \$400,000 and that it be a one time only for the biennium.

***{Tape : 2; Side : B; Approx. Time Counter : 16.7}***

Discussion

***{Tape : 2; Side : B; Approx. Time Counter : 17.3 - 24.5}***

**Substitute Motion/Vote:** REP. BUZZAS made a substitute motion TO ACCEPT DP-9 AS PROPOSED IN BUDGET. Substitute motion failed 3-3. Toews, Miller, & Bergsagel voting no.

***{Tape : 2; Side : B; Approx. Time Counter : 26}***

Original motion fails 3-3. Buzzas, Jorgeson, & Johnson voting no. ***{Tape : 2; Side : B; Approx. Time Counter : 27.1}***

Item DP-9 was left open.

**Motion/Vote:** SEN. TOEWS moved TO APPROVE ITEM DP-13 ON PAGE E-7. Motion carried 6-0.

***{Tape : 2; Side : B; Approx. Time Counter : 28.9}***

**Motion:** SEN. TOEWS moved TO APPROVE ITEM DP-14 ON PAGE E-7.

***{Tape : 2; Side : B; Approx. Time Counter : 29.4}***

Discussion

***{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 6.4}***

**Substitute Motion/Vote:** SEN. JERGESON made a substitute motion WITH THE CONTINGENCY UPON APPROVAL OF THE FEDERAL PROGRAM FOR DISTRIBUTION OF SCHOOLS. Substitute motion carries 6-0.

***{Tape : 3; Side : A; Approx. Time Counter : 6.6}***

Took a 10 minute break.

***{Tape : 3; Side : A; Approx. Time Counter : 7.2}***

Reconvened at 10:15 a.m.

***{Tape : 3; Side : A; Approx. Time Counter : 7.3}***

**Motion:** SEN. JERGESON moved TO APPROVE FEE/RATES ON BOTTOM OF PAGE E9.

**Discussion:**

Motion carries 6-0.

***{Tape : 3; Side : A; Approx. Time Counter : 8.6 - 13}***

Discussion on Budget Office language requests.

*{Tape : 3; Side : A; Approx. Time Counter : 13.3 - 15.5}*

Presentation by Bob Runkel

**EXHIBIT(jeh11a01)**

*{Tape : 3; Side : A; Approx. Time Counter : 15.7 - 22}*

Exhibit 1 should have the wording 'in-state treatment instead of item 2c.

*{Tape : 3; Side : A; Approx. Time Counter : 20.8}*

**Motion/Vote:** SEN. JERGESON moved TO ACCEPT LANGUAGE ON EXHIBIT 1 line 3 & 4. Motion carried 6-0.

*{Tape : 3; Side : A; Approx. Time Counter : 22.3}*

**Motion/Vote:** REP. BUZZAS moved TO ACCEPT LANGUAGE FROM EXHIBIT 2. Motion carried 6-0.

**EXHIBIT(jeh11a02)**

*{Tape : 3; Side : A; Approx. Time Counter : 23.8}*

**EXHIBIT(jeh11a03)**

**Motion/Vote:** SEN. JERGESON moved TO ACCEPT LINE 6 OF EXHIBIT 1 ON SCHOOL TECHNOLOGY FROM TIMBER HARVEST THAT THEY WON'T SPEND ANY MORE THAN WAS RECEIVED AS REVENUE. THIS WILL CAP IT AT WHAT THE REVENUES ARE.. Motion carried 6-0.

*{Tape : 3; Side : A; Approx. Time Counter : 28.7}*

**Motion/Vote:** SEN. TOEWS moved TO ADOPTED BASE BUDGET ON PAGE E-11, DISTRIBUTION of Public Schools. Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : .5}*

**Motion/Vote:** SEN. TOEWS moved TO ACCEPT ITEM DP-2, SCHOOL FACILITY PAYMENTS - PL, ON PAGE E-12, increases them to 1999 levels. Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : 1.3}*

**Motion:** SEN. JERGESON moved TO APPROVE ITEM DP-8 ON PAGE E-12, TRANSPORTATION AID. There is a restriction to line item.

**Discussion:**

Motion carries 6-0

*{Tape : 3; Side : B; Approx. Time Counter : 3.8}*

**Motion/Vote:** REP. BERGSAGEL moved TO APPROVE ITEM DP-10 on page E-12, TIMBER HARVEST AND TECHNOLOGY WITH RESTRICTION AND ONE TIME ONLY. THESE NUMBERS WERE ADJUSTED FROM THE EXECUTIVE BUDGET BECAUSE OF NEW ENROLLMENT PROJECTIONS.

Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : 4.1}*

**EXHIBIT** (jeh11a04)

**Motion:** SEN. JERGESON moved TO APPROVE DP-12, K-12 BASE AID, ON PAGE E-12, WITH THE NEW NUMBERS THAT JIM STANDAERT HANDED OUT ON EXHIBIT 4.

**Discussion:**

Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : 5 - 9.4}*

**Motion/Vote:** SEN. TOEWS moved TO APPROVE DP-13, FEDERAL GRANT AWARDS, ON PAGE E-12. Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : 11}*

Discussion on DP-14 on page E-12.

**Motion/Vote:** SEN. JERGESON moved TO APPROVE ITEM DP-14 ON PAGE E-12. Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : 13.7}*

**Motion/Vote:** REP. BUZZAS moved TO APPROVE ITEM DP-15 ON PAGE E-12. Motion carried 6-0.

*{Tape : 3; Side : B; Approx. Time Counter : 14.5}*

There was discussion on new proposals on page E-16. Jim Standaert explained them further.

*{Tape : 3; Side : B; Approx. Time Counter : 15.1 - 18}*

Discussion on Decision 4 on exhibit 4.

*{Tape : 3; Side : B; Approx. Time Counter : 18.5 - 20}*

**Senator Ken Miller** brought up the discussion of increasing the special education funding by using tobacco settlement monies.

*{Tape : 3; Side : B; Approx. Time Counter : 20.5}*

Discussion

*{Tape : 3; Side : B; Approx. Time Counter : 22.1 - 26.7}*

Jim Standaert explained further the Decision 4 box on exhibit 4.

*{Tape : 3; Side : B; Approx. Time Counter : 27.5}*

Discussion

*{Tape : 3; Side : B; Approx. Time Counter : 27.8 - Tape : 4; Side : A; Approx. Time Counter}*

**Motion/Vote:** SEN. TOEWS moved TO APPROVE THE \$1,751,277 FOR SPECIAL EDUCATION BASE AND SCHEDULES WERE NOT VOTED IN. NEW PROPOSAL IN BOX 2 OF EXHIBIT 4.. Motion carried 5-1 with Bergsagel voting no.

*{Tape : 4; Side : A; Approx. Time Counter : 5.7}*

**Motion/Vote:** SEN. MILLER moved TO RAISE THE SCHEDULE OF SPECIAL EDUCATION FUNDING FROM THE GOVERNOR'S RECOMMENDATION BY \$1 MILLION THE FIRST YEAR AND \$1.9 MILLION THE SECOND YEAR BASED ON WHETHER THERE IS TOBACCO MONEY APPROPRIATED FOR THIS PARTICULAR CONTINGENCY. THIS WILL NOT BE RECOGNIZED ON THE STATUS SHEET. Motion carried 6-0.

*{Tape : 4; Side : A; Approx. Time Counter : 6.1 - 9.9}*

Discussion on Item DP-3 on page E-19.

*{Tape : 4; Side : A; Approx. Time Counter : 12 - 13}*

Eric Burke of the Governor's office explained their position.

*{Tape : 4; Side : A; Approx. Time Counter : 13.3}*

Discussion

*{Tape : 4; Side : A; Approx. Time Counter : 18.3 - 29}*

**Motion:** SEN. JERGESON moved TO APPROVE ITEM DP-3 ON PAGE E-16.

**Discussion:**

*{Tape : 4; Side : A; Approx. Time Counter : 29.1 - Tape : 4; Side : B; Approx. Time Counter : 5}*

**Senator Jergeson** withdrew his motion.

*{Tape : 4; Side : B; Approx. Time Counter : 5.4}*

**Nancy Keenan** pulled the \$45,000 demonstration school sites off the proposal.

Discussion

*{Tape : 4; Side : B; Approx. Time Counter : 7}*

**Motion:** REP. BUZZAS moved THAT THE COMMITTEE APPROVE THE \$45,000 FOR DEMONSTRATION SITES.

**Discussion:**

Motion withdrew.

Left open.

**{Tape : 4; Side : B; Approx. Time Counter : 8.1 - 9}**

Traffic Education Item DP-5 on page E-16 was withdrawn.

**{Tape : 4; Side : B; Approx. Time Counter : 9.4}**

Item DP-6 on page E-16, School Facility Payments was explained by Chairman Johnson.

Discussion

**{Tape : 4; Side : B; Approx. Time Counter : 9.6 - 22}**

Chairman Johnson recessed at 12 noon until 5:00 p.m.

**{Tape : 4; Side : B; Approx. Time Counter : 22.6}**

Reconvened at 5:00 p.m. by Chairman Johnson.

**{Tape : 5; Side : A; Approx. Time Counter : 0.1}**

**Motion: SEN. TOEWS moved TO ACCEPT SCHOOL FACILITY PAYMENTS, ITEM DP-6 ON PAGE E-16.**

**Discussion:**

Carries 4-2 with Bergsagel and Miller voting no.

**{Tape : 5; Side : A; Approx. Time Counter : 4.3}**

Decided to vote on item DP-7 on page E-16 later.

**Motion/Vote: SEN. JERGESON moved TO ACCEPT ITEM DP-9, Comprehensive School Reform, ON PAGE E-16. Motion carried 6-0.**

**{Tape : 5; Side : A; Approx. Time Counter : 5.5}**

Bob Tallerico's comments on New teachers for reduced class size, item DP-17 on page E-19.

**{Tape : 5; Side : A; Approx. Time Counter : 6}**

**Questions From Committee Members and Comments:**

**{Tape : 5; Side : A; Approx. Time Counter : 7.2 - 17.7}**

**Motion/Vote: SEN. JERGESON moved TO ACCEPT ITEM DP-17 RESTRICTED AND ONE TIME ONLY. Motion carried 4-2 with Bergsagel and Miller voting no.**

**{Tape : 5; Side : A; Approx. Time Counter : 18.5}**

Questions From Committee Members & Comments on item DP-18 on page E-16

**{Tape : 5; Side : A; Approx. Time Counter : 18.9}**



**Motion/Vote:** SEN. JERGESON moved TO APPROVE ITEM DP-17 ON PAGE E-16 WITH RESTRICTION TO ONE TIME ONLY. Motion failed 3-3 with Bergsagel, Miller, and Toews voting no.  
{Tape : 5; Side : A; Approx. Time Counter : 21.9}

**Motion/Vote:** SEN. JERGESON MOVED TO APPROVE ITEM 2 ON PAGE E-2 RESTRICTED AND ONE TIME ONLY AND ONLY 2 NEW FTE.  
Discussion

Motion carried 5-1 with Miller voting no.  
{Tape : 5; Side : B; Approx. Time Counter : 11.8}

**Motion:** SEN. MILLER moved TO APPROVE ITEM DP-3 ON PAGE E-2 WITH THE WORDING FROM EXHIBIT I INCLUDED.

Removed the Amendment from exhibit 1.

Bob Tallerico explained that this needs to be done as a Present Law Adjustment  
{Tape : 5; Side : B; Approx. Time Counter : 16.9}

**Motion:** SEN. MILLER moved that THE PREVIOUS MOTION TO MAKE IT PRESENT LAW ADJUSTMENT BE AMENDED.

Senator Miller withdrew his motion completely.  
{Tape : 5; Side : B; Approx. Time Counter : 17}

**Motion/Vote:** SEN. MILLER MOVED THAT ITEM DP-3 ON PAGE E-2 BE APPROVED AS \$130,000 PER THE BIENNIAL AS A BIENNIAL APPROPRIATION. Motion carried 5-1 with Toews voting no.  
{Tape : 5; Side : B; Approx. Time Counter : 17.2}

Bus Safety Proposal discussion.  
{Tape : 5; Side : B; Approx. Time Counter : 17.8 - 20}

**Motion:** REP. BUZZAS moved FOR PART-TIME FTE & repair of equipment WITH COMMITTEE SUPPORTING EFFORTS WITH NO FUNDING.  
**Discussion:** send to general Governor's committee.

Motion fails 2-4 with Toews, Johnson, Miller, Bergsagel voting no.  
{Tape : 5; Side : B; Approx. Time Counter : 25.8}

**Motion/Vote:** SEN. JERGESON moved THAT THE COMMITTEE APPROPRIATE A LINE ITEM APPROPRIATION OF \$1.00 FOR THE BUS TRAFFIC SAFETY Program. Motion failed 2-4 with Bergsagel, Johnson, Miller, and Toews voting aye.

January 15, 1999

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***{Tape : 5; Side : B; Approx. Time Counter : 26}***

Chairman Johnson adjourned the meeting at 6:00 p.m.

**EXHIBIT(jeh11a05)**Legislative Budget Analysis

**EXHIBIT(jeh11a06)**handed out after meeting

**ADJOURNMENT**

Adjournment: 6:00 P.M.

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REP. ROYAL JOHNSON, Chairman

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MARTY EDDLEMAN, Secretary

RJ/ME

**EXHIBIT** (jeh11aad)